

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT ANCHORAGE

HARRY N. YOUNG, JR.,)

Plaintiff,)

v.)

KEVIN MEYER, in his official capacity,)

as Lt. Governor of the State of Alaska,)

GAIL FENUMIAI, in her capacity as)

Director of the Alaska Division of)

Elections, and the STATE OF ALASKA,)

DIVISION OF ELECTIONS,)

Defendants.)

Case No. 3AN-19-_____ CI

COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF

PARTIES

1. Harry N. Young, Jr. has been a resident of Alaska for nearly 30 years. He is a registered voter and a precinct leader for his political party. Mr. Young is a constitutional litigant and brings this lawsuit solely to address a violation of the Alaska Constitution.

2. Kevin Meyer is the Lt. Governor of the State of Alaska and is sued solely in his official capacity with regard to the discharge of his duties under Article XI of the Alaska Constitution to review ballot initiatives and oversee the state's elections.

3. Gail Fenumiai is the Director of the Division of Elections and is sued in her official capacity only. The Division of Elections (the "Division") is the agency charged with administering Alaska ballot initiatives.

**HOLLAND &
KNIGHT LLP**

420 L Street, Suite 400
Anchorage, AK 99501
Phone: (907) 263-6300
Fax: (907) 263-6345

FACTS

4. Lt. Governor Meyer was presented with a ballot initiative that proposes to change Alaska's primary election system to adopt ranked order voting and other changes to Alaska elections.

5. After review by the Department of Law, Lt. Governor Meyer declined to certify the initiative, finding that it violated the subject matter restrictions of the constitution.

6. The ballot sponsors filed a lawsuit to challenge the Lt. Governor's decision.

7. In that lawsuit, the Department of Law and the ballot sponsors entered into a stipulation by which the State agreed to print ballot petitions in advance of any resolution of the lawsuit, and in advance of any certification decision by the Lt. Governor.

8. On information and belief, the Division has now printed the petitions and is preparing to release them to the ballot sponsors.

COUNT I- VIOLATION OF ALASKA CONSTITUTION

9. Article XI, Section 3 of the Alaska Constitution says: "After certification of the application, a petition containing a summary of the subject matter shall be prepared by the lieutenant governor for circulation by the sponsors."

10. Consistent with the Alaska Constitution, the legislature enacted AS 15.45.090, which provides "if the application is certified, the lieutenant governor shall prepare a sufficient number of sequentially numbered petitions...."

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11. Under both the Alaska Constitution and Alaska Statute, the Lt. Governor has to first certify the initiative, and next prepare the petition.

12. The Constitution does not vest the Lt. Governor, nor the Division of Elections, with the discretion to print ballot initiative petitions prior to certification by the Lt. Governor. The sequence of events is clearly and unequivocally dictated by the plain language of the constitution.

13. Any direct violation of the Alaska Constitution is a de facto harm to Alaska citizens, who have a fundamental right to have their public servants abide by the law.

14. Issuance of the ballot petitions prior to certification would cause irreparable harm for which there is no available remedy at law. This harm includes voter confusion and the undermining of citizen confidence in its government.

15. Plaintiff is entitled to an immediate injunction to halt this violation of the Alaska Constitution.

PRAYER FOR RELIEF

1. For an immediate temporary restraining order and preliminary injunction to halt the Division of Elections' violation of Article XI, Section 3 of the Alaska Constitution.

2. For a declaration that the Division may not issue ballot petitions prior to certification by the Lt. Governor.

3. For an award of constitutional litigant attorney's fees and costs, and for such other relief as the Court may deem appropriate.

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DATED at Anchorage, Alaska this 18th day of September, 2019.

HOLLAND & KNIGHT LLP
Attorneys for Plaintiff

By: 

Matthew Singer
Alaska Bar No. 9911072
Lee C. Baxter
Alaska Bar No. 1510085

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Defendant(s).

CASE NO. 3AN-19

CI

**SUMMONS AND
NOTICE TO BOTH PARTIES
OF JUDICIAL ASSIGNMENT**

To Defendant: Kevin Meyer, in his official Capacity as Lt. Governor of the State of Alaska

You are hereby summoned and required to file with the court a written answer to the complaint which accompanies this summons. Your answer must be filed with the court at 825 W. 4th Ave., Anchorage, Alaska 99501 within 20 days* after the day you receive this summons. In addition, a copy of your answer must be sent to the plaintiff's attorney or plaintiff (if unrepresented) Matt Singer & Lee Baxter, whose address is: Holland & Knight LLP, 420 L Street, Suite 400, Anchorage, AK 99501.

If you fail to file your answer within the required time, a default judgment may be entered against you for the relief demanded in the complaint.

If you are not represented by an attorney, you must inform the court and all other parties in this case, in writing, of your current mailing address and any future changes to your mailing address and telephone number. You may use court form *Notice of Change of Address / Telephone Number* (TF-955), available at the clerk's office or on the court system's website at www.courtrecords.alaska.gov/webdocs/forms/tf-955.pdf to inform the court. - OR - If you have an attorney, the attorney must comply with Alaska R. Civ. P. 5(i).

NOTICE OF JUDICIAL ASSIGNMENT

TO: Plaintiff and Defendant

You are hereby given notice that:

☐ This case has been assigned to Superior Court Judge _____
and to a magistrate judge.

☐ This case has been assigned to District Court Judge _____.

CLERK OF COURT

Date

By: _____
Deputy Clerk

I certify that on _____ a copy of this Summons was ☐ mailed ☐ given to
☐ plaintiff ☐ plaintiff's counsel along with a copy of the
☐ Domestic Relations Procedural Order ☐ Civil Pre-Trial Order
to serve on the defendant with the summons.

Deputy Clerk _____

* The State or a state officer or agency named as a defendant has 40 days to file its answer. If you have been served with this summons outside the United States, you also have 40 days to file your answer.

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Defendant(s).

CASE NO. 3AN-19

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To Defendant: Gail Fenumiai, in her capacity as Director of the Alaska Division of Elections

You are hereby summoned and required to file with the court a written answer to the complaint which accompanies this summons. Your answer must be filed with the court at 825 W. 4th Ave., Anchorage, Alaska 99501 within 20 days* after the day you receive this summons. In addition, a copy of your answer must be sent to the plaintiff's attorney or plaintiff (if unrepresented) Matt Singer & Lee Baxter, whose address is:
Holland & Knight LLP, 420 L Street, Suite 400, Anchorage, AK 99501.

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CLERK OF COURT

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By: _____
Deputy Clerk

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to serve on the defendant with the summons.
Deputy Clerk _____

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To Defendant: STATE OF ALASKA, DIVISION OF ELECTIONS

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